

REMARKS

Initially, Applicants would like to express their appreciation to the Examiner for the detailed Official Action provided, for the indication that the drawings are acceptable, for the acknowledgment of Applicants' Information Disclosure Statement by return of the Form PTO-1449, and for the acknowledgment of Applicants' Claim for Priority and receipt of the certified copy of the priority document in the Official Action.

Claims 1-13 are currently pending. Applicants respectfully request reconsideration of the outstanding objections and rejections, and allowance of all the claims pending in the present application.

On page 2 of the Official Action the Title was objected to as not being descriptive. Applicants note that the title has been replaced by a title which is more descriptive of the invention. Accordingly, Applicants respectfully request withdrawal of the objection to the Title.

On pages 2 and 3 of the Official Action, claims 1, 2, 12 and 13 were rejected under 35 U.S.C. § 102(b) as being anticipated by WATANABE (U.S. Patent No. 5,616,949).

Applicants respectfully traverse the rejection of claims 1, 2, 12 and 13 under 35 U.S.C. § 102(b).

Each of claims 1 and 13 recites, inter alia, “a conductive film layer that covers an outermost surface of said transparent cover plate member.” Applicants submit that WATANABE lacks any disclosure of *a conductive film layer* that covers an outermost surface of a transparent cover plate member.

The Examiner appears to take the position that element 30 of WATANABE is a conductive film layer, and further a metallic film layer. However, Applicants submit that none of the non-reflective films 30 disclosed in WATANABE constitute *conductive film layers*, much less *metallic film layers*. In this regard, Applicants note that WATANABE discloses that the element 30 may be film formed of material selected from the group consisting of alumina (Al_2O_3), zirconia (ZrO_2), tantalum oxide (Ta_2O_5), and magnesium fluoride (MgF_2). Note column 3, lines 15-24 and column 4, lines 12-18. Applicants submit that none of these materials are *conductive*, much less *metallic*. Accordingly, Applicants submit that films formed from any of these materials could not reasonably be characterized as *conductive film layers*, much less *metallic film layers*. If the Examiner intends to maintain the untenable position that any of the above-noted materials disclosed in WATANABE could be characterized as conductive or metallic, Applicants respectfully request that the Examiner provide evidentiary support for such position.

Accordingly, since WATANABE lacks any disclosure of a conductive film layer, Applicants submit that WATANABE can not possibly be characterized as anticipating the

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subject matter of claims 1 and 13. Applicants also submit that dependent claims 2 and 12, which are at least patentable due to their respective dependencies from claim 1, for the reasons noted above, recite additional features of the invention and are also separately patentable over the prior art of record. For example, WATANABE lacks any disclosure of a metallic film layer (claim 2) or a conductive film layer formed on at least one side of a cover glass (claim 12).

Applicants respectfully submit that the rejection of claims 1, 2, 12 and 13 under 35 U.S.C. § 102(b) is improper at least for each and certainly for all of the above-noted reasons. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection, and an early indication of the allowance of these claims.

On pages 3 and 4 of the Official Action, claims 3 and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over WATANABE (U.S. Patent No. 5,616,949).

Applicants respectfully traverse the rejection of claims 3 and 11 under 35 U.S.C. § 103(a).

Initially, Applicants note that claims 3 and 11 are patentable at least due to their respective dependencies from claim 1 for the reasons noted above. Applicants also submit that claims 3 and 11 recite additional features of the invention and are also separately patentable over the prior art of record.

In regard to claim 3, Applicants note that WATANABE lacks any disclosure of a metallic film layer, much less a Cr film layer. Accordingly, Applicants submit that it would not have been obvious to one of ordinary skill in the art to replace the non-metallic film layers in system of WATANABE with a Cr film layer. Further, the Examiner has provided no support for the position that Cr is used as a metallic film layer. Applicants respectfully challenge such Official Notice, and request that the Examiner provide evidentiary support for such position. Further still, even assuming, arguendo, that such Cr film layers exist, the Examiner has provided no teaching of providing such a Cr film layer on a transparent cover plate. Accordingly, Applicants submit that such modifications would not have been obvious to one of ordinary skill in the art, and are clearly the result of impermissible hindsight reasoning.

In regard to claim 11, Applicants note that WATANABE lacks any disclosure of an infrared cut-off filter, much less an infrared cut-off filter having a conductive film layer formed thereon. Accordingly, Applicants submit that it would not have been obvious to one of ordinary skill in the art to provide an infrared cut-off filter, much less a conductive film layer, in the system of WATANABE. Further, the Examiner has provided no support for the position that infrared cutoff filters are formed by vaporizing electrically conductive film layers on a glass base plate. Applicants respectfully challenge such Official Notice, and request that the Examiner provide evidentiary support for such position. Further still, even

assuming, arguendo, that infrared cutoff filters are formed in such manner, the Examiner has provided no teaching of providing such an infrared cut-off filter in a system such as that of WATANABE. Accordingly, Applicants submit that such modifications would not have been obvious to one of ordinary skill in the art, and are clearly the result of impermissible hindsight reasoning.

Accordingly, Applicants submit that the rejection of claims 3 and 11 under 35 U.S.C. § 103(a) is improper at least for each and certainly for all of the above reasons. Applicants respectfully request reconsideration and withdrawal of the rejection, and an early indication of the allowance of these claims.

On pages 4-8 of the Official Action, claims 4-9 and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over WATANABE (U.S. Patent No. 5,616,949) in view of TSUYUKI et al. (U.S. Patent No. 6,069,651). Applicants note that the Examiner also discusses claim 10 in the body of this rejection, and thus it appears that claim 10 is also rejected.

Applicants respectfully traverse the rejection of claims 4-11 under 35 U.S.C. § 103(a).

Initially, Applicants submit that the teachings of TSUYUKI et al. do not cure the deficiencies of WATANABE with regard to the *conductive film layer* (i.e., neither TSUYUKI et al. nor WATANABE teach a conductive film layer that covers an outermost surface of a transparent cover plate member).

Applicants note that claims 4-11 are patentable at least due to their respective dependencies from claim 1 for the reasons noted above. Applicants also submit that claims 4-11 recite additional features of the invention and are also separately patentable over the prior art of record.

In regard to claim 4, Applicants submit that it would not have been obvious to one of ordinary skill in the art to provide a plurality of laminated transparent plates in the system of WATANABE, much less an optical low-pass filter. Further, in regard to claim 5, Applicants submit that it would not have been obvious to one of ordinary skill in the art to provide an optical low-pass filter in the form of a plurality of lithium niobate plates in the system of WATANABE, and that this would clearly constitute an impermissible modification of a modification. Further, the Examiner has provided no support for the position that an optical low-pass filter comprises a plurality of lithium niobate plates. Applicants respectfully challenge such Official Notice, and request that the Examiner provide evidentiary support for such position. Applicants submit that such modifications would not have been obvious to one of ordinary skill in the art, and are clearly the result of impermissible hindsight reasoning.

In regard to claim 6, Applicants submit that it would not have been obvious to one of ordinary skill in the art to provide a plurality of laminated transparent plates in the system of WATANABE, much less an infrared cut-off filter. Further, in regard to claim 7, Applicants

submit that it would not have been obvious to one of ordinary skill in the art to provide an optical low-pass filter in the system of WATANABE. Further, in regard to claim 8, Applicants submit that it would not have been obvious to one of ordinary skill in the art to provide such an infrared cut-off filter and such an optical low-pass filter in the system of WATANABE so that the infrared cut-off filter is closer to the solid state imaging device, and that this would clearly constitute an impermissible modification of a modification. Applicants submit that such modifications would not have been obvious to one of ordinary skill in the art, and are clearly the result of impermissible hindsight reasoning.

In regard to claim 9, Applicants submit that it would not have been obvious to one of ordinary skill in the art to provide a plurality of laminated transparent plates, including a cover glass, in the system of WATANABE. Accordingly, Applicants submit that such modifications would not have been obvious to one of ordinary skill in the art, and are clearly the result of impermissible hindsight reasoning.

In regard to claim 10, Applicants submit that it would not have been obvious to one of ordinary skill in the art to provide a lithium niobate plate, much less a conductive film layer, in the system of WATANABE. Further, the Examiner has provided no support for the position that an optical low-pass filter comprises a plurality of lithium niobate plates. Applicants respectfully challenge such Official Notice, and request that the Examiner provide evidentiary support for such position. Accordingly, Applicants submit that such

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modifications would not have been obvious to one of ordinary skill in the art, and are clearly the result of impermissible hindsight reasoning.

In regard to claim 11, Applicants submit that it would not have been obvious to one of ordinary skill in the art to provide an infrared cut-off filter, much less a conductive film layer, in the system of WATANABE. Accordingly, Applicants submit that such modifications would not have been obvious to one of ordinary skill in the art, and are clearly the result of impermissible hindsight reasoning.

Accordingly, Applicants submit that the rejection of claims 4-11 under 35 U.S.C. § 103(a) is improper at least for each and certainly for all of the above reasons. Applicants respectfully request reconsideration and withdrawal of the rejection, and an early indication of the allowance of these claims.


SUMMARY AND CONCLUSION

Entry and consideration of the present amendment, reconsideration of the outstanding Official Action, and allowance of the present application and all of the claims therein are respectfully requested and now believed to be appropriate.

Applicants have made a sincere effort to place the present application in condition for allowance and believe that they have now done so.

Should there be any questions or comments, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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